THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8802 of 2007

Dated:26.04.2007

Between:

Penumasta Buchi Venkata Suryanarayana Raju.

... Petitioner

AND

The District Collector and others.

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8802 of 2007

ORDER:

The petitioner filed the instant Writ Petition seeking a writ of mandamus declaring the action of the third respondent, namely, Tahasildar in altering the record of rights in respect of the land admeasuring Acs.3.77 cents situated at Lagisettipalem Village of Sabbavaram Mandal in Visakhapatnam District, as illegal and contrary to the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act'), and the Andhra Pradesh Rights in Land and Pattadar Pass Books Rules, 1989.

The petitioner claims that his father was granted a ryotwari patta under the Andhra Pradesh Inams (Abolition and Conversion into Ryotwari) Act, 1956. Pattadar Pass Books and Title Deeds (PPBs) were also obtained. On 11.01.2007, M/s.Reddy Eshwara Rao, Reddy Srinivasa Rao, Nakkapothuraju, Vasthavaayi Venkatapathi Varma, Vadisala Ravi and Vadisala Appa Rao came to the petitioner's land and tried to occupy the same alleging that they obtained PPBs from the third respondent. On enquiry, the petitioner came to know that false documents were issued by the third respondent. When the petitioner approached the third respondent, those copies were not furnished. Therefore, he filed the present Writ Petition alleging that the third respondent did not follow the procedure while issuing PPBs to the third parties as contemplated under Section 5 of the Act.

After hearing the learned Counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General-A), this Court is not able to accept the submission of the learned Counsel. The order of the third respondent said to have been passed in favour of

six persons granting PPBs is not specifically challenged, nor a copy is enclosed. Secondly, those persons in whose favour PPBs were issued are not made parties though their names are mentioned in paragraph 3 of the affidavit accompanying the Writ Petition. Lastly, if such order is passed by the third respondent, which the petitioner alleges a false document, it is always open to the petitioner to prefer an appeal under Section 5(5) of the Act. The petitioner may obtain necessary orders, if already such orders are passed, and prefer an appeal before the Revenue Divisional Officer. The allegations made in the Writ Petition are vague and such Writ Petition cannot be entertained.

The Writ Petition is, therefore, dismissed. No costs.

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(**V.V.S.RAO, J**)

26.04.2007
vs